

Resolution No.: 15-169
Introduced: April 8, 2003
Adopted: May 14, 2003

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION
OF THE MARYLAND-WASHINGTON REGIONAL DISTRICT
WITHIN MONTGOMERY COUNTY, MARYLAND**

By: District Council

Subject: Special Exception Filing Fees

Background

1. Subject to the approval of the County Council, the Board of Appeals may adopt rules of procedure to govern its proceedings. The Board's rules may govern filing fees, the conduct of meetings and hearings, and other procedures necessary to hear and decide cases.
2. On March 31, 2003, the Board of Appeals recommended that the special exception filing fee schedule be comprehensively revised. Under the proposed revised fee schedule, special exception filing fees would be increased to more accurately reflect the cost of processing special exception applications.
3. The last general revision to the special exception filing fee schedule was approved by the Council on June 18, 2002.
4. On April 28, 2003, the County Council held a public hearing on the proposed revised special exception filing fee schedule.
5. On May 1, 2003, the Planning, Housing, and Economic Development Committee held a worksession to review the proposed revised special exception filing fee schedule.
6. On May 14, 2003, the County Council reviewed the proposed filing fee schedule and the recommendations of the Planning, Housing, and Economic Committee.

Resolution No.: 15-169

Action

For this reason, the County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland approves the following resolution:

The attached fees are established for filing special exception applications with the Board of Appeals.

This is a correct copy of Council action.

Mary A. Edgar, CMC
Clerk of the Council

BOARD OF APPEALS FEE SCHEDULE
(Effective July 1, 2003)

<u>SECTION OF THE ZONING ORDINANCE</u>	<u>SPECIAL EXCEPTION USE</u>	<u>Filing Fee</u>
59-G-2.00.2	Abattoir	6,000
59-G-2.00	Accessory Apartment	200
59-G-2.00.1	Accessory Dwelling	1,000
59-G-2.00.3 - repealed	Adult Entertainment Business	15,000
	Airstrip	10,000
59-G-2.00.4	Airstrip, associated with farms	3,000
59-G-2.54.1	Agricultural Processing, secondary	5,000
	Alcoholic Beverage Manufacturer	10,000
59-G-2.01	Ambulance or Rescue Squad – privately supported	1,500
	Amusement Center (see Recreation & Entertainment Establishments)	
59-G-2.02	Animal Boarding Place:	
	Up to 10 animals	1,500
	Over 10 animals	2,500
59-G-2.03	Animal Cemetery	5,000
59-G-2.04	Antique Shop	1,500
	Appliance Repair	2,500
59-G-2.05	Art or Cultural Center (non-commercial)	2,500
59-G-2.05.1	Auction Facility	8,000
	Auditorium or Convention Hall	6,000
59-G-2.06	Automobile Filling Station	10,000
59-G-2.07	Auto & Light Truck & Trailer Rental Lot – outdoor	6,000
	Auto Repair & Service – indoor	6,000
	Auto Repair & Service	6,000

BOARD OF APPEALS FEE SCHEDULE
(Effective July 1, 2003)

	Auto Sales & Service Center	10,000
<u>SECTION OF THE ZONING ORDINANCE</u>	<u>SPECIAL EXCEPTION USE</u>	<u>Filing Fee</u>
	Auto Sales Lot – outdoor/indoor	6,000
59-G-2.08	Auto Storage Lot	3,000
59-G-2.09	Auto Truck & Trailer Rental Lot – outdoor	6,000
59-G-2.09.2	Barber & Beauty Shop (see Retail Sales & Personal Services Bed and Breakfast	400
59-G-2.09.1	Blacksmith	600
59-G-2.10	Boardinghouse	600
	Boat Repair & Service	6,000
	Boat Sales – indoors	6,000
	Bowling Alley (see Recreational & Entertainment Establishment)	
	Bus Terminal	10,000
59-G-2.10-1	Cable Communication System	15,000
59-G-2.11	Campground	10,000
59-G-2.11.1	Car Wash	6,000
59-G-2.11.2	Catering Facilities, outdoors	10,000
59-G-2.12	Cemeteries	10,000
59-G-2.12.1	Chancery and International Organizations	5,000
59-G-2.15.1	Conference Center w/lodging	15,000
	Charitable and Philanthropic Institution	5,000
59-G-2.13.1	Child Day Care	
	Non-profit – over 30	2,500
	For profit – over 30	3,000

BOARD OF APPEALS FEE SCHEDULE**(Effective July 1, 2003)**

59-G-2.14	Clinic, Medical or Dental	6,000
-----------	---------------------------	-------

59-G-2.14	Delicatessen (see Retail Sales & Personal Services)	
-----------	---	--

**SECTION OF
THE ZONING
ORDINANCE****SPECIAL EXCEPTION USE****Filing
Fee**

59-G-2.14	Drugstore (see Retail Sales & Personal Services)	
-----------	--	--

59-G-2.36.2	Dry Cleaning & Laundry, Pickup (see Retail Sales & Personal Services)	
-------------	---	--

59-G-2.36.2	Dwelling in Industrial or Commercial Zone (per unit)	500
-------------	--	-----

59-G-2.16	Eating and Drinking Establishment excluding drive-ins	
-----------	---	--

59-G-2.16	(see Retail Sales & Personal Services) Drive-in Restaurant	10,000
-----------	---	--------

59-G-2.19	Educational Institution, Private	
-----------	----------------------------------	--

59-G-2.19	Up to 10 students	1,000
-----------	-------------------	-------

59-G-2.19	11 to 40 students	2,500
-----------	-------------------	-------

59-G-2.19	Over 40 students	5,000
-----------	------------------	-------

59-G-2.13	Elderly Day Care:	
-----------	-------------------	--

59-G-2.13	Non-profit – up to 10	100
-----------	-----------------------	-----

59-G-2.13	11 to 20	200
-----------	----------	-----

59-G-2.13	21 to 30	800
-----------	----------	-----

59-G-2.13	Over 30	2,500
-----------	---------	-------

59-G-2.13	Elderly Day Care:	
-----------	-------------------	--

59-G-2.13	For profit – up to 10	500
-----------	-----------------------	-----

59-G-2.13	11 to 20	800
-----------	----------	-----

59-G-2.13	21 to 30	2,500
-----------	----------	-------

59-G-2.13	Over 30	3,000
-----------	---------	-------

59-G-2.43	Electric Power Transmission & Distribution Lines more than 69,000 volts (see Public Utility Building)	
-----------	---	--

BOARD OF APPEALS FEE SCHEDULE
(Effective July 1, 2003)

59-G-2.21.2	Farm Machinery	3,000
	Farm Market, roadside	500
59-G-2.21.3	Farm Supply	3,000

**SECTION OF
THE ZONING
ORDINANCE**

SPECIAL EXCEPTION USE

**Filing
Fee**

59-G-2.21.4	Farm Tenant Mobile Homes – more than 1 – less than 4 per DU	1,000
59-G-2.22	Fertilizer Mixing Plants	6,000
	Florist (see Retail Sales & Personal Services)	
	Food & Beverage Store (see Retail Sales & Personal Services)	
	Fraternity or Sorority House	2,500
	Fuel Production as agriculture by-product	5,000
59-G-2.23	Funeral Parlor or Undertaking Establishment	6,000
	Furniture or Upholstery Repair Shop	3,000
59-G-2.24 (in RDT zone 59-G-2.24.1)	Golf Course/Country Club	10,000
	Mini Golf	5,000
59-G-2.25	Golf Driving Range	5,000
59-G-2.25.1	Grain Elevator	5,000
59-G-2.26	Group Residential Facility – Exceptional Persons	400
59-G-2.27	Heliports and Helistops	11,000
59-G-2.28	Highway Fuel and Food Service	10,000
59-G-2.29	Home Occupation, major	400
59-G-2.30	Horticultural Nursery & Commercial Greenhouse	5,000
59-G-2.30.1	Hospice	800
59-G-2.31	Hospital	11,000
59-G-2.32	Hospital, Veterinary (see Veterinary Hospital)	

BOARD OF APPEALS FEE SCHEDULE
(Effective July 1, 2003)

59-G-2.33 Hotels and Motels 15,000

59-G-2.35 Housing, Elderly & Handicapped

**SECTION OF
THE ZONING
ORDINANCE**

SPECIAL EXCEPTION USE

**Filing
Fee**

Non- profit – per unit 100

Minimum 800

Maximum 6,000

Commercial – per unit 100

Minimum 6,000

Maximum 15,000

Laboratories, Medical & Dental 10,000

59-G-2.30.00 Landscape Contractor (see Horticultural Nursery)

59-G-2.35.1 Life Care Facility (see Housing, Elderly)

59-G-2.30.00 Manufacture of Mulch/Composting 5,000

59-G-2.36.4 Meeting Centers for use of residents 1,000

59-G-2.36.1 Milk Plant 5,000

Mobil Home, single wide, per unit 200

59-G-2.36.3 Newspaper, village 2,500

Newsstand (see Retail Sales and Services)

59-G-2.37 Nursing Home or Domiciliary Care Home

Non- profit – up to 5 persons 200

6 to 20 persons 800

20 to 40 persons 2,500

over 40 persons 6,000

Commercial – up to 5 persons 800

BOARD OF APPEALS FEE SCHEDULE
(Effective July 1, 2003)

6 to 20 persons	2,500
20 to 40 persons	10,000
over 40 persons	15,000

**SECTION OF
THE ZONING
ORDINANCE**

SPECIAL EXCEPTION USE

**Filing
Fee**

59-G-2.38.1	Office, General	3,000
59-G-2.36	Office, Medical Practitioner – non-resident	6,000
59-G-2.38	Office, Professional – non-resident	6,000
	Office, Professional – resident	6,000
	Outdoor Sales Lot (see Automobile Sales Lot)	
	Parking Garage – automobile/per space	200
	- maximum	15,000
59-G-2.39	Parking of Automobiles – off street, in	
59-G-2.39.1	connection with commercial -	
	per space	400
	Maximum	8,000
59-G-2.41	Pet Shop	2,500
59-G-2.41.1	Pipeline – above ground	15,000
59-G-2.24	Private Club and Service Organization	5,000
59-G-2.43	Public Utility Buildings, Public Utility Structures and Telecommunications facilities Racquetball, Squash, Indoor Tennis, Handball Courts – commercial	10,000
59-G-2.45	(see Recreation & Entertainment Radio & TV Broadcasting Stations & Towers	15,000
59-G-2.44 (see 59-G- 2.43)	Recreation or Entertainment Establishment, commercial	10,000
59-G-2.45	Recreation Facility primarily for use of residents	1,000
	Research Institute – non-commercial (see Charitable & Philanthropic)	

BOARD OF APPEALS FEE SCHEDULE**(Effective July 1, 2003)**

	Restaurant (see Eating & Drinking Establishment)	
59-G-2.47	Retail Sales and Personal Services Establishment in multi-family housing – per square foot	5.00
59-G-2.30	Retail Nursery and Garden Center (see Horticultural Nursery)	
<u>SECTION OF THE ZONING ORDINANCE</u>	<u>SPECIAL EXCEPTION USE</u>	<u>Filing Fee</u>
59-G-2.48	Retail Sales and Personal Services – per square foot (Retail establishments in Office buildings)	6.00
59-G-2.46	Retail and Service Establishments	
59-G-2.49	Riding Stable – private	500
	commercial	3,000
59-G-2.50	Rifle, Pistol, Skeet Shooting Range	5,000
59-G-2.51	Roofing Contractor	3,000
59-G-2.52	Sand, Gravel, Clay Pit or Extraction of other natural material – temporary use	10,000
59-G-2.53.1	Sanitarium – Non-profit – up to 5 persons	200
	6 to 20 persons	800
	20 to 40 persons	2,500
	over 40 persons	6,000
	Sanitarium - Commercial – up to 5 persons	800
	6 to 20 persons	2,500
	20 to 40 persons	6,000
	over 40 persons	10,000
	Sanitary Fills and Incinerators	10,000
59-G-2.54	Sawmill	2,500
59-G-2.54.2	Service Organization	1,000
	Solid Waste Transfer Station Private	5,000

BOARD OF APPEALS FEE SCHEDULE**(Effective July 1, 2003)**

Specialty Shop (see Retail and Personal Services)

Stadium or Arena (see Recreation or
Entertainment Establishment, commercial)
Stockyard -----

59-G-2.55 Swimming Pool – commercial 5,000

**SECTION OF
THE ZONING
ORDINANCE****SPECIAL EXCEPTION USE****Filing
Fee**

59-G-2.56 Swimming Pool – community 1,000

59-G-2.57 Teahouses and Restaurants in Residential Zones

Temporary Structures, including wayside stands
for sales of farm produce 500

59-G-2.60 / Theater, indoor and/or legitimate 5,000

59-G-2.59 Theater, outdoor 8,000

59-G-2.62 Tire, Battery and Accessory Store 3,000

Trade, Artistic or Technical School 2,500

59-G-2.32 Veterinary Hospital 6,000

Warehouse Building – wholly enclosed 5,000

Wholesale Nursery or Greenhouse (see
Horticultural Nursery)

59-G-2.63 Winery 5,000

VARIANCES

Single Family Residential ** 400

Single Family Residence, under construction or
newly constructed 800

Multi-Family 2,500

Commercial/Industrial 3,000

** If the variance is only for the existing
non-conforming dwelling in 200
excess of 20 years old, the filing fee is

BOARD OF APPEALS FEE SCHEDULE**(Effective July 1, 2003)****ADMINISTRATIVE APPEALS**

Residential Property * 200

Commercial Property * 800

* Refundable if appeal is granted

**SECTION OF
THE ZONING
ORDINANCE****SPECIAL EXCEPTION USE****Filing
Fee****SIGN DEPOSIT**

Deposit 200

Refundable upon return of sign 100

**MODIFICATIONS, MINOR, WITHOUT
PUBLIC HEARING**

Extension of Time/Transfer of Special Exception 200

Other: 10% of prevailing fee with a minimum
of: 500**MODIFICATIONS, MAJOR, WITH PUBLIC
HEARING**Changes in previously granted special exceptions
involving no new construction 25%
prevailing
SE filing
feeNew Construction Proposed 50%
prevailing
SE filing
fee